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In re Application of :
Carl G. Hellerqvist :
Application No. 09/776,865 :
Application Filing Date: February 2, 2001 :
Attorney Docket No. 22100-0100 (46126-252687)

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b) filed July 16, 2008.

The petition is granted.

Petitioner requests that the papers filed July 11, 2008, be expunged from the above-cited application as it was not meant to be a part of the record. The papers included informal suggestions for amendments to the claims, but were not intended to be responsive to the non-final Office action mailed March 3, 2008. It is noted, however, that a response to the non-final Office action has not been filed and the maximum extendable statutory period for reply to the non-final Office action will expire at midnight on September 3, 2008. A review of the application file history reveals that the papers filed July 11, 2008, are not a part of the original disclosure¹ (which would prohibit expungement pursuant to 37 CFR 1.59(a)) and, at this juncture, the expungement of document would not result in the application becoming abandoned. The expungement of the papers filed July 11, 2008, is, therefore, appropriate.

Accordingly, the papers filed July 11, 2008, will be expunged from the application file along with the cover letter that accompanied it.

Petitioner is advised that the documents cannot be returned as the original papers were scanned into an electronic file with the hard copies being destroyed thereafter.

Questions concerning this decision may be addressed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ It is noted 37 CFR 1.59 explains that the original disclosure includes the specification, claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under 37 CFR 1.63 and 1.175.